

## **REMARKS**

This is a response to the FINAL rejection mailed November 25, 2007. In view of the comments set forth below and the cancellation of the previously-withdrawn claims, it is submitted that the claims are in condition for allowance and a favorable action is requested.

### **1. Interview Summary**

The undersigned expresses appreciation for the courtesy of the personal interview with Examiner Miles on February 25, 2008, which was also attended by the inventor, Mr. Kjell Nilsson. Claims 1 and 2, which are the only two pending independent claims were discussed. The inventor discussed why the claimed invention was not obvious over the combination of either one of his two earlier patents (U.S. patents 5,015,576 and 4,935,365) in view of U.S. patent 4,123,382.

The inventor pointed out that his prior art patents taught the formation of beads with pores that did not have a continuous pore structure throughout the beads. These beads therefore had limited surface area for cell cultures and other applications.

The inventor also mentioned that the invention included the step of adding a composition comprising an organic solvent and an emulsifier with an HLB value >9, which forms bubbles in a water-based molten gelatin solution that result in a continuous pore structure when the solution solidifies. This step is not taught in any of the prior art patents. Copies of photomicrographs, reproduced below, were shown to illustrate the differences in pore structure between a prior art bead and one made in accordance with the invention.

The inventor also mentioned that Morse was not applicable because it only discussed an encapsulation process which is much different from the use of a solvent to form a continuous pore structure.

## **2. Amendments to the Claims.**

Claims 1 and 2 have been amended so they are consistent in reciting porous spheres or a porous structure with a continuous pore structure. Claims 5 and 7 have been amended to depend from independent claim 2 in addition to independent claim 1. Claims 9-35 have been cancelled, without prejudice, so they can be added in a divisional application. These claims had previously been withdrawn in response to a restriction requirement.

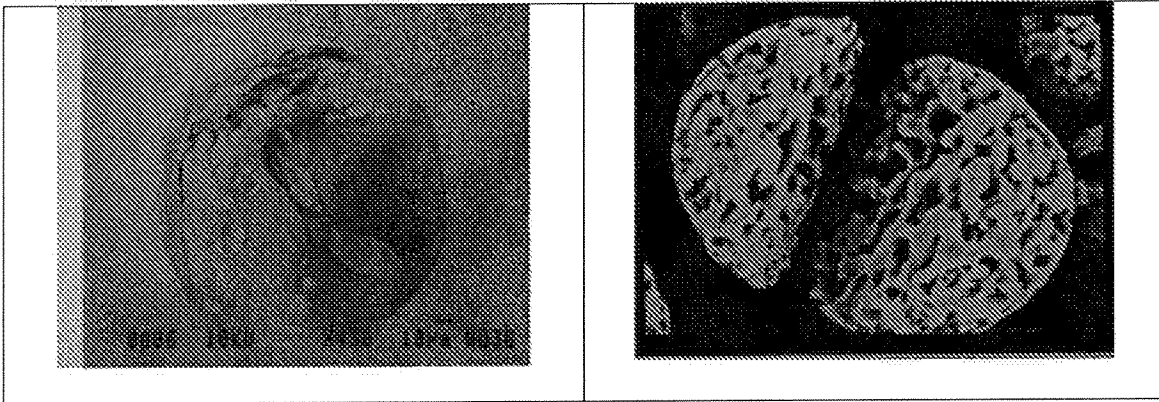
No new matter has been added.

## **3. Response to Claim Rejections.**

Claims 1-8 stand rejected as claiming subject matter that is obvious over the combination of either one of Mr. Nilsson's two earlier patents (U.S. patents 5,015,576 and 4,935,365), in view of U.S. patent 4,123,382.

Claims 1 and 2 are the only independent claims under consideration. They are both method claims that are directed to the formulation of porous spheres or a cast structure with a continuous pore structure. Claim 1 is directed to the formation of porous spheres, while claim 2 is directed to casting a porous structure.

Both claims include the step of adding a composition comprising an organic solvent and an emulsifier with an HLB value  $>9$ . This step results in bubbles being formed in a water-based molten gelatin solution that ultimately result in a continuous pore structure when the solution solidifies. This step is not taught in any of the prior art patents. Copies of the photomicrographs shown at the interview mentioned above are reproduced below, which illustrate the differences in pore structure between a prior art bead that was formed without using the step mentioned above, and one made with the step being used.

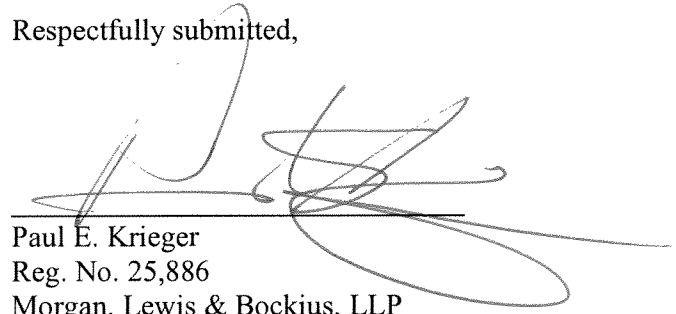


The prior art Nilsson patents describe the formation of beads by adding a composition to a water-based gelatin solution comprising an organic solvent and an emulsifier with an HLB value of  $<8$ . This step resulted in the formation of gelatin beads of the type shown in the photomicrograph at the left when the gelatin material solidified, and is much different from the step mention above of adding a composition comprising an organic solvent and an emulsifier with an HLB value  $>9$ , which resulted in the continuous porous structure in the photomicrograph at the right. Thus, an important step in the invention is not taught in the prior art so that even of the prior art references could be combined, they would fall short of teaching the claimed inventions. For these reasons it is believed that all of the pending claims are patentable and a favorable action is requested.

The Examiner is hereby authorized to charge Deposit Account No. 50-0310 for the One-Month Extension Fee, referencing File 069701-5001 in the amount of \$60.00 (for a Small Entity), and any other fees which might become due during the prosecution of this application.

If there are any questions about any of the foregoing, please do not hesitate to call the undersigned at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul E. Krieger', is written over a horizontal line. The signature is stylized with large, sweeping loops.

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